

MESOTHELIOMA

ON MY 16TH BIRTHDAY I BEGAN MY APPRENTICESHIP, WITH FAIRFIELD SHIPBUILDING COY LTD, AS A SHIPWRIGHT IN MARCH 1940 - 1947 WITH A 2 YEAR INTERRUPTION FOR SERVICE IN THE ROYAL NAVY (1945/46)

ONCE I WAS A JOURNEYMAN, I LEFT FAIRFIELDS TO WORK IN VARIOUS YARDS ON THE CLYDE - J.BROWNS, BLYTHSWOOD, HENDERSONS, CLANLINE, HARLAND WOLF, BEFORE RETURNING TO FAIRFIELD IN 1953. I REMAINED WITH FAIRFIELDS AND ALL SUCCESSOR COMPANIES UNTIL THE DEMISE OF BRITISH SHIPBUILDERS ON 1988.

FOR THE FIRST 25 YEARS I WAS EMPLOYED AS A SHIPWRIGHT MARKER-OFF, PRINCIPALLY CONCERNED WITH THE INTERPRETATION OF SHIP'S PLANS AND CONSTRUCTION DRAWINGS WITH THE OUTFITTING TRADES OF PLUMBERS, JOINERS, RIGGERS AND ENGINEERS. IN 1965 I LEFT THE TRADE TO BECOME A CRAFT TRAINING INSTRUCTOR, EVENTUALLY RISING CRAFT TRAINING MANAGER FOR STEELWORK TRADES IN BRITISH SHIPBUILDERS.

DURING MY PERIOD 'AT THE TOOLS' (1940 - 1964) I WAS CONSTANTLY IN AN ASBESTOS ENVIRONMENT. TO BE ON A SHIP BEING OUTFITTED I.E. NEARING COMPLETION MEANT THAT ALL OUTFIT WORKERS WERE EXPOSED TO ASBESTOS FIBRE AND FILAMENT FOR THE WHOLE OF THE WORKING DAY, FOR THE WHOLE OF THE WORKING WEEK.

THE LAGGERS, WHO ACTUALLY WORKED WITH THE VARIOUS ASBESTOS MATERIALS WERE SUB-CONTRACTORS WORKING TO VERY TIGHT SCHEDULES AND WHO WERE TOTALLY UNCONCERNED WITH GOOD HOUSEKEEPING, SAFE WORKING PRACTICE OR CONSIDERATION FOR OTHER WORKERS IN THEIR VICINITY. IF THE WEATHER WAS DRY, THE ASBESTOS CEMENT (MONKEY DUNG) WAS MIXED ON THE DOCKSIDE AND SLUNG ABOARD IN BUCKETS, IF IT WAS WET, THE ASBESTOS MIX WAS MADE UP ON BOARD SHIP IN BETWEEN DECK SPACES, ENGINE ROOM FLATS AND GANTRIES.

TO WORK IN ENGINE ROOMS AND BOILER ROOMS MEANT THAT YOU WERE BRUSHING AGAINST THE LAGGERS AND THEIR WORK, OFTEN I CAME HOME OFF THE SHIP AT THE END OF A SHIFT WHITE AS A BAKER, TOTALLY COVERED IN ASBESTOS DETRITUS WHICH HAD RUBBED OFF OR FALLEN ON ME AS I WORKED AS A SHIPWRIGHT. (A CLEAN TRADE)

AS SHIP NEARED COMPLETION AND PREPARED FOR SHIP TRIALS, IT WAS MY JOB TO ARRANGE FOR ENGINE AND BOILER ROOMS TO BE CLEARED OF ALL RUBBISH AND SCAFFOLDING PRIOR TO ADMIRALTY AND LLOYDS INSPECTION.

WHEN THE SCAFFOLDERS BEGAN TO REMOVE THE SCAFFOLD PLANKS THEY 'CLEARED' THEM BY TURNING THEM ON THEIR EDGE AND PASSING THEM THROUGH THE HATCHES TO THE UPPER DECKS FOR REMOVAL ASHORE. WHEN THEY TURNED THE 30/40 PLANKS ONTO THEIR EDGES ALL THE LOOSE ASBESTOS PARTICLES AND FRAGMENTS FLOATED DOWN TO THE BOTTOM OF THE SHIP LIKE A SNOWSTORM. IT WAS IMPOSSIBLE TO ESCAPE THE MESS WHICH WAS ACCEPTED AS THE NORM FOR SHIPYARD WORKING CONDITIONS.

FROM THE 1940 TILL I LEFT TO JOIN TRAINING IN THE 1960'S WE WERE NEVER WARNED OR INSTRUCTED ABOUT THE DANGERS OF ASBESTOS INHALATION, WE WERE NEVER ISSUED WITH PROTECTIVE/

/CLOTHING OR MASKS OR RESTRAINED FROM WORKING ADJACENT TO THE LAGGERS BY THE LATE 60/EARLY70' SHIPYARD WORKERS WERE BECOMING AWARE OF THE HAZARDS OF ASBESTOS AND THAT IT HAD AN INCUBATION PERIOD OF 20/25 YEARS BEFORE EMERGING AS A MALIGNANT , INCURABLE CANCER. HAVING LEFT THAT ENVIRONMENT AROUND 1959 I THOUGHT I HAD ESCAPED INFECTION UNTIL 33 YEARS LATER I WENT TO BED A ROBUSTLY WELL MAN IN XMAS WEEK 1991 AND WOKE CRIPPLED WITH MESOTHELIOMA.

Pat McCrystal was a man of intelligent self-reliance who had a good idea what the future held for him as a victim of mesothelioma which the medical experts say has a maximum of 44 weeks survival after diagnosis. In his dignified and rational way, he set out to find what care and support he could expect to receive and came up against an official chain of denial so comprehensive that it must surely be seen as a Civil Rights issue. As with all such denials of human-rights, officials at all levels are coerced into actions they could never dream of, hiding their shame behind walls of conspiracy cemented by the fear of losing post and privilege. With asbestos abuse, the wall was founded back in 1898 when a Parliamentary Commission was set up to look into the alarming level of asbestos-related deaths. It was reinforced by the signature of the T.U.C. in the 1931 Government Legislation, following the Merewether Report which was aimed at tidying up the asbestos industry but instead was interpreted in its favour. Its defences were further rendered by the Government imposed use of blue-asbestos in the gas-masks, tanks and warships of W.W.2.

By the time Pat McCrystal started his apprenticeship in 1940, the Government, Asbestos Manufacturers, the T.U.C. and the Medical Profession had full knowledge that it kills, yet asbestos was being more widely used than ever before. Promotion of the 'war effort' seemed to overrule any measure of caution that existed in its use. The long-term effect this had on the Clyde-side shipyards was to be devastating.

In the same way as military conscription was enforced by law, many occupations and trades came under the 'preferred-status' commands of the 'Special Powers Legislation'. The insulating trades were seen as crucial to the 'war effort' and anyone working as a pipe-coverer, or lagger, was forced to remain in prescribed jobs without being able to change firms. To do so without permission often meant a jail sentence. Just like soldiers, they were required to work in defence of the Nation and this could not be more illustrated in their work insulating the 'Liberty Boats' sent over from the U.S.A. Indifferent to the dangers of contamination and totally negligent in respect of health and safety at work legislation, people were forced to work night and day in a fog of asbestos dust. People like Pat McCrystal, who had to work in its poison environment were wilfully kept ignorant of its dangers. Just one of the countless thousands who would eventually be poisoned to death by it. Like soldiers, they were expendable but that is where the comparison ends. Soldiers who lost their lives or health due to the war, automatically qualified for whatever they or their widows were entitled to. They didn't have to specify where on the battlefield they became a casualty nor identify which enemy unit made the assault. But loss of life or health through working with asbestos in wartime, requires the pursuer to identify where and in which unit they were poisoned and produce witnesses to prove it. An almost impossible task in that asbestos-related diseases can have a latency period of up to '50 years'. Other than conditions being horrendous, is it possible to remember the details of work 40 or 50 years on?

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The massive increase in the use of asbestos during W.W.2. means war-casualties of the Clydeside shipyards are only now, in the 1990's, showing battlefield numbers. Asbestos-related diseases are now at epidemic levels, claiming people by the thousands with deaths occurring on a daily basis. When it will ever reach its peak no one knows but what is certain, it will be higher than anyone could anticipate owing to the general use of asbestos since 1945. With the corrosion of health and safety controls during and since the War, asbestos has been used in thousands of every-day house-hold products including the very materials which house and heat us. No longer is it the case that you have to work with asbestos to get an asbestos-related disease. It is widely used in modern society, especially in public buildings like schools and hospitals. Interesting to note that in recent years, Government buildings at the Scottish Office, Westminster and the European parliament have experienced emergency closure for asbestos stripping. Pat McCrystal died of mesothelioma, a savagely rampant, terminal disease 85% of which is exclusively asbestos-related. He contracted it all those years ago after being put to work by an employer who knowingly and wilfully exposed him to asbestos poisoning. He was entitled to expect proper treatment and care after being subjected to such criminal negligence but was shamefully denied this by all the agencies involved. It is the experience of most mesothelioma victims in the U.K. that G.P.s rarely explain the full nature of their illness, most often mis-diagnosing in order to meet narrow D.S.S. criteria in claims for benefit. To be even considered within their criteria, the D.S.S. demand that people ravaged with illness, like Pat McCrystal, go through the inhuman 'lung function test'. Its severity is such that many are too afraid to go through it while those who do are advised to come with a care assistant to help them home. These tests, which were devised for testing R.A.F. pilots flying at high altitudes, are repeated on a regular basis for continued qualification for industrial-injury benefit. All the doctors involved in this incredibly cruel process are fully aware that asbestosis is a progressive, incurable disease, yet they do not question its validity. Some Doctors insist on carrying out biopsies on asbestos victims even although it is common knowledge that to disturb the 'pleural plaque' of asbestosis in the lung, is to almost guarantee the onset of mesothelioma. It is hard not to view these drastic measures as being just another part of the denial of access to proper benefit and compensation and justice. This doesn't only mean a denial of rights, it condemns people, suffering from asbestos 'cancers', to a horrific death without appropriate medical treatment or care. Erroneous diagnosis presupposes inaccurate prognosis, wrongly prescribed medical treatment and the denial of hospice care for terminal illness. In short, people are left to die in unnecessary pain and isolation without even knowing what they are dying of.



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By September when his claim was to be heard in the Court of Session in Edinburgh, Pat had gained almost a stone in weight; unheard of with a mesothelioma victim. When he got to court it very quickly became clear that his lawyer and his Q.C. had joined the chain of denial. Despite the promise of fast-track justice, Frank McGuire and his assistant Nicola Dandridge of Robin Thompson demonstrated that they had obviously done very little to get any justice never mind speed up the process. After Pat McCrystal refused to settle out-of-court, his Q.C. Graham Fleming threatened immediate withdrawal from the case and his lawyer declared that the G.M.B. might also withdraw. After being told that he would be unlikely to get a new Q.C. as it was a closed-shop at the Court of Session, and that he would be dead before a new case could be prepared, Pat was forced to accept the out-of-court settlement. Later he told various journalists that he felt he had been brow-beaten by his own counsel who rendered him powerless by emotional and legal blackmail. He went on to say, 'all the organisations and people I would have expected to help me; doctors, politicians and the legal profession, have actually blocked me from getting justice. I feel as though a gun has been held to my head.' After Frank McGuire himself made the suggestion, on B.B.C.s Newsnight, that companies like 'The Iron and Trades Insurance' operate a system of tactical delays, his own firm seemed to quickly develop the same determination to avoid a case getting into court. Indeed the behaviour of Frank McGuire, inside and out of court, should be subject to very serious scrutiny. It might also be revealing to make a comparison between damages awarded to clients of Robin Thompson from Glasgow to London. More than anyone, the legal profession were aware of the decimating effect death had on compensation settlements. Although the 'Death on Damages Bill' successfully passed into Law in February 1993, it was no help to Pat McCrystal as it didn't exist at the time of his claim. Nor is it any good to the families of those countless thousands who died of asbestos poisoning before its retrospective cut-off date of July 16th 1992. Moreover, it will not stop the hold-up tactics currently operating within the medical, legal and insurance professions until the 'Time Bar' is abolished. Pat McCrystal's claim was eight months on the fast-track before getting to court but the normal time is always about three years which is exactly what the Time-Bar is after diagnosis of an industrial-related injury or disease. Consider this with the long drawn out process of erroneous-diagnosis which almost every asbestos victim has to endure then it is easy to see the pressure that delaying tactics can have on claims for compensation. Why asbestos victims have to run such a hostile gauntlet through the very agencies that, as Pat McCrystal said, would be expected to help, is hard to understand. Perhaps they are too heavily influenced by the panic among Lloyds Names after the huge compensation awards in the U.S.A.

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One victim of asbestosis was awarded £2,000,000 and there was a Judgement in Baltimore in 1992 which ruled a consolidated award for 8,555 with a further 86,000 cases being processed. It doesn't take an accountant to calculate the eventual cost of this. Nor does it take much imagination to see why there could be an official cover-up or that a 'legal gravy train' would choose to go round in endless circles rather than pursue the efficient settlements that asbestos-related claims require. Ian Lang, the Secretary of State for Scotland, Senior D.S.S. Commissioner, and final Arbiter of Scottish Justice, is a prominent 'Name' with Lloyds insurance. In recent years, Lloyds have been at the centre of numerous controversies to do with the dramatic increase in asbestos-related claims. Not only did we see underwriters running for more 'adequate cover' after the Baltimore Judgement, but prospective 'New Names' were given 'protection' from 'equitable' knowledge as to the full consequences of the developments in the U.S.A. They simply were not told of the tidal wave of asbestos claims that were coming in. It seems that loyalty to the less influential 'Names' in Lloyds is no better than that enjoyed by their employees, 22,000 of whom are currently being payed off. It surely follows that support for justice in asbestos-related claims, by any Lloyds Names, is no more logical than likely. The £2m award in the U.S.A. was calculated on loss of wages, and pain and suffering (solatium) amounting to £1.25m with the remainder being a punitive award for the outrageous disregard by the employer. If such disregard can be described as criminal negligence, then by 'Acts and Omissions', the employer could face criminal prosecution in respect of corporate-manslaughter or even murder.

Is it possible that a man like Pat McCrystal would have trained thousands of apprentices to spend their working lives in an environment that could kill them, if he'd known of the dangers. Surely it is conclusive testimony of a conspiracy that a man in such a senior position as the 'Craft Training Manager for Steelwork Trades in British Shipbuilders' wasn't aware that he was being killed by the negligence of his employer, the British State itself.

Pat McCrystal's pursuit of justice was never only for himself. Despite his stout resistance to the onslaught of his illness, he was completely aware of the short time he had left to live but wanted to ensure that asbestos victims coming after him wouldn't have to go through what he did. Taking Dr. Monie's advice, he became a member of C.A.A. and quickly realised the group had more knowledge on asbestos-related diseases than all the agencies put together. Just as C.A.A greatly valued his involvement, the benefits were mutual. He confidently absorbed the information which was common knowledge to the group and in medical and legal recommendations, he co-operated fully. He refused a biopsy going for a C.T. Scan instead and committed himself to the Moerman Diet.

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In the B.B.C. Newsnight programme mentioned above, James Roach a fellow victim of mesothelioma was featured after having gone through a biopsy which hastened his death. Where as Pat McCrystal was 68 at the time, James Roach was 49 and spent his final days in excruciating pain because he wasn't a member of C.A.A. and was not aware of the dangers of a biopsy or the benefits of the Moerman Diet. Because the authorities refused to accept their own evidence that he suffered from asbestosis and insisted on a biopsy, he died a horrible and premature death. Considering that doctors know more than most about the effects of biopsy on an asbestosis victim and the harmlessness of a C.T. Scan, serious questions must be raised about this practice.

All Pat McCrystal wanted to do on his retirement was to build his boat and sail to Australia. Not an unusual aspiration for a man who loved the sea all his life and whose family's general life-expectancy was over 80 years. Instead, as victims of mesothelioma have come to expect, he spent his last year embroiled in the toughest fight of his life. Having died satisfied that he had, in some measure at least, helped to change attitudes in the fight for care and justice for his fellow victims, he was spared the final insult. After being diagnosed as having mesothelioma, by all the doctors involved, especially Dr. Monie in front of the millions of B.B.C. Newsnight viewers, the cause of his death was recorded differently. According to his death-certificate, he died of bronchial-pneumonia with mesothelioma being a secondary cause. Whether or not this was the result of common, casual or incompetent practice, it is reflective of the denial process involving senior doctors like Dr. Monie's assistant consultant, Dr. Fennerty, and can have severe influence on the posthumous claims for compensation which now allow for 'solatium' since the Death on Damages legislation came into power. It is not unreasonable to ask the Medical Profession to stanadardise diagnoses and death-certificates indicating the primary cause of death rather than the final condition it promotes. It is not unreasonable, either, to ask the Legal Profession to instruct its solicitors and Q.C.s to advise their clients to pursue the additional claim of 'Tortious Damages'. Only in this way will 'awards' achieve parity with those in the U.S.A. and Australia by including an 'Outwith the Contract' element leading to Punitive or Exemplary damages being awarded. Whenever this happens, criminal prosecution against manufacturers and guilty employers can be explored which will force them to join the call for a total, Global Ban rather than risk bankruptcy and jail.

That the conspiracy persists at the highest level, is becoming more and more difficult to conceal as those involved resort to more extreme measures to protect their interests. The current nervousness in the debate over the withdrawl of 'Legal Aid in Civil Cases' is revealing more than would normally be desired.

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Apart from the panic reaction by the Bar Associations whose members stand to lose their seats on the lucrative, Civil, Legal gravy-train, they are justifiably concerned that Legal Aid might be abolished altogether. No matter how criminal this might seem to the Legal Profession, it is expressly aimed at claims for industrial injuries and, more precisely, at claims for asbestos-related diseases.

The Government would be extremely naive if it thinks that by increasing the Legal Aid threshold to £61.00 it will stem the furious public response to this latest attack on the people most in need of support. Their apparent concern cannot hide the real intention of forcing their agendas on the people. By simultaneously awarding an 'unusual' increase in severe-disability and industrial disablement benefits to just exceed £61.00, the Government is creating automatic disqualification to Legal Aid for its recipients. Doubtless, it is their intention, no matter what, to slow up the growing flood of asbestos-related claims. It would appear that there is an extremely high level of panic among all those who have for so long profited from the use of asbestos. No matter what diversions they create and regardless of how determined they are to continue getting away with 'Murder', they will be caught. Whether by their own systems of Civil and Criminal Justice or through the growing public campaign that is committed to pursue them, their days of criminally negligent exploitation will soon be over. The world is far too small for them to escape justice forever.

It would be better for them to come out with their hands up before they have them nailed to the crosses that their, and their fathers', cynical-profiteering has forced too many innocent people to carry.